

Environmental Protection Agency

§ 80.2

80 containing information collection and recordkeeping requirements, which will not become effective until approval has been given by the Office of Management and Budget.

Subpart A—General Provisions

§ 80.1 Scope.

(a) This part prescribes regulations for the control and/or prohibition of fuels and additives for use in motor vehicles and motor vehicle engines. These regulations are based upon a determination by the Administrator that the emission product of a fuel or additive will endanger the public health, or will impair to a significant degree the performance of a motor vehicle emission control device in general use or which the Administrator finds has been developed to a point where in a reasonable time it would be in general use were such regulations promulgated; and certain other findings specified by the Act.

(b) Nothing in this part is intended to preempt the ability of State or local governments to control or prohibit any fuel or additive for use in motor vehicles and motor vehicle engines which is not explicitly regulated by this part.

[38 FR 1255, Jan. 10, 1973, as amended at 38 FR 33741, Dec. 6, 1973; 42 FR 25732, May 19, 1977]

§ 80.2 Definitions.

As used in this part:

(a) *Act* means the Clean Air Act, as amended (42 U.S.C. 1857 *et seq.*).

(b) *Administrator* means the Administrator of the Environmental Protection Agency.

(c) *Gasoline* means any fuel sold in any State¹ for use in motor vehicles and motor vehicle engines, and commonly or commercially known or sold as gasoline.

(d) *Previously certified gasoline*, or PCG, means gasoline or RBOB that previously has been included in a batch for purposes of complying with the standards in Subparts D, E, H, and J of this part, as appropriate.

¹State means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

(e) *Lead additive* means any substance containing lead or lead compounds.

(f) *Previously designated diesel fuel* or PDD means diesel fuel that has been previously designated and included by a refiner or importer in a batch for purposes of complying with the standards and requirements of subpart I of this part.

(g) *Unleaded gasoline* means gasoline which is produced without the use of any lead additive and which contains not more than 0.05 gram of lead per gallon and not more than 0.005 gram of phosphorus per gallon.

(h) *Refinery* means any facility, including but not limited to, a plant, tanker truck, or vessel where gasoline or diesel fuel is produced, including any facility at which blendstocks are combined to produce gasoline or diesel fuel, or at which blendstock is added to gasoline or diesel fuel.

(i) *Refiner* means any person who owns, leases, operates, controls, or supervises a refinery.

(j) *Retail outlet* means any establishment at which gasoline, diesel fuel, methanol, natural gas or liquified petroleum gas is sold or offered for sale for use in motor vehicles or nonroad engines, including locomotive engines or marine engines.

(k) *Retailer* means any person who owns, leases, operates, controls, or supervises a retail outlet.

(l) *Distributor* means any person who transports or stores or causes the transportation or storage of gasoline or diesel fuel at any point between any gasoline or diesel fuel refinery or importer's facility and any retail outlet or wholesale purchaser-consumer's facility.

(m) *Lead additive manufacturer* means any person who produces a lead additive or sells a lead additive under his own name.

(n) *Reseller* means any person who purchases gasoline or diesel fuel identified by the corporate, trade, or brand name of a refiner from such refiner or a distributor and resells or transfers it to retailers or wholesale purchaser-consumers displaying the refiner's brand, and whose assets or facilities are not substantially owned, leased, or controlled by such refiner.